IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.8602 OF 2005

Gram Panchayat Chokak ..Petitioner.

V/s.

T.G. Kamble ..Respondent.

Mr.M.S.Topkar for petitioner.

Mr.Prashant Kulkarni for respondent.

CORAM : V.C.DAGA, J.

DATED : 29TH MARCH, 2006.

P.C. :-

Heard learned counsel for the rival parties. It is not in dispute that the application for setting aside the ex-parte award was beyond the period of limitation if it is counted from 2/1/2005 i.e. on which date the letter communicating the award was received by the petitioner. There is no evidence on record to rebut the presumption of service on the petitioner.

In the above view of the matter, considering the Judgment in the case of **Shri Radhkrishna Mani Tripathi, Mumbai V/s. L.H.Patel U Anr.** reported in **2006 I CLR 743**, the petition is liable to be dismissed. In the result, petition is dismissed in limine with no order as to costs.

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